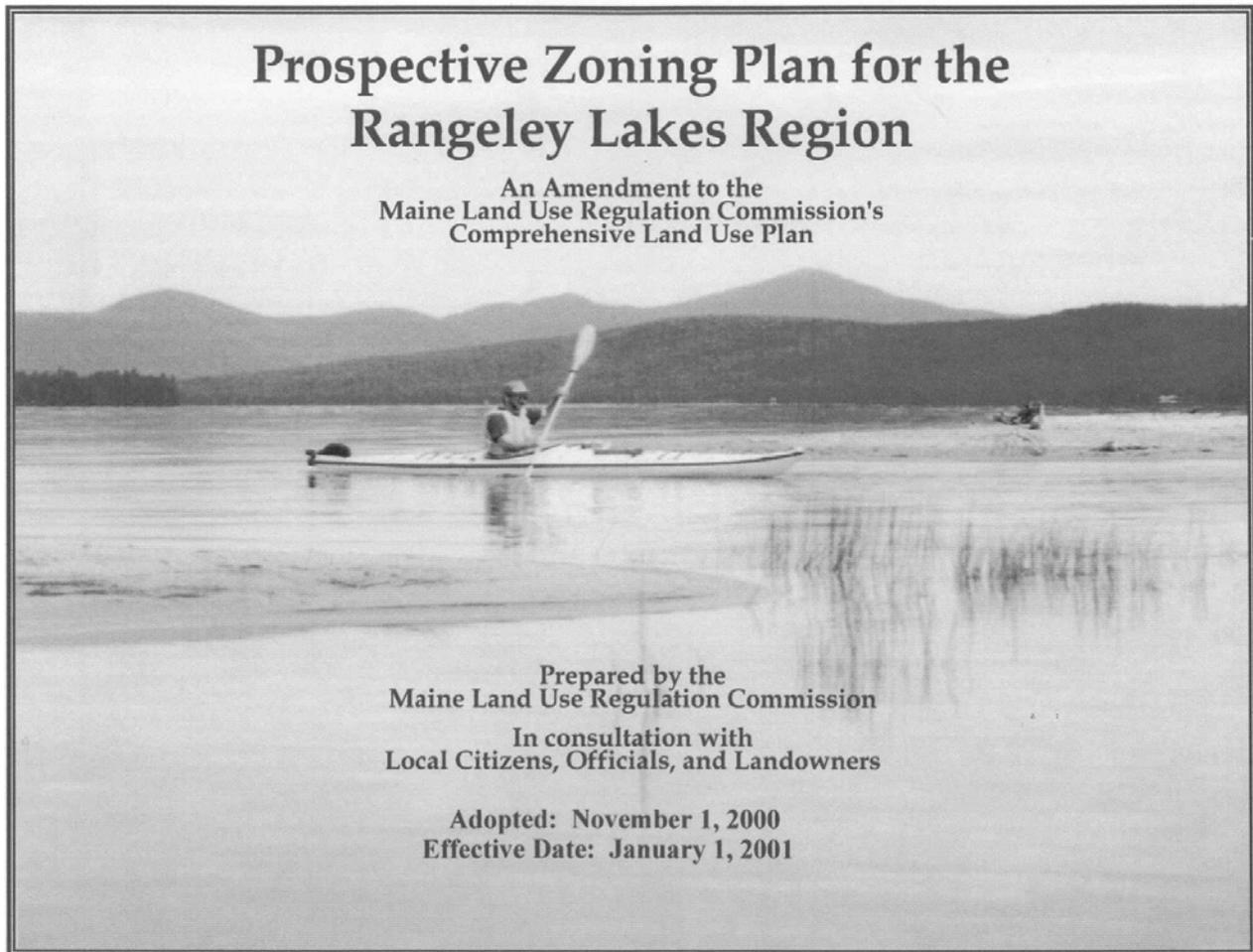


Prospective Zoning Plan for the Rangeley Lakes Region

~ 2014 Evaluation and Progress Report to the Commission ~



August 22, 2014

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INTRODUCTION

The 1997 and 2010 Comprehensive Land Use Plans identified the Rangeley Lakes Area as one with special planning needs. Specifically, the 2010 CLUP notes that the Rangeley Lakes area possesses concentrations of high-value natural resources that are potentially threatened by continued high rates of growth. (CLUP, page 111) As of the mid-1990s, a large amount of development had occurred in this area, a trend that was expected to continue. While this area was viewed as appropriate for well planned development, the Commission also recognized that a haphazard growth pattern posed the risk of degrading the area's draw as a recreational center and the tourism-based economy. Prospective zoning was, and is, seen as an effective method of balancing growth and economic development needs with the protection of the special resource values of the area.

Following an extensive planning effort, the Maine Land Use Planning Commission adopted the *Prospective Zoning Plan for the Rangeley Lakes Region* (the Rangeley Plan or Plan) as an amendment to its *Comprehensive Land Use Plan* in November 2000. The Rangeley Plan took effect January 1, 2001 and includes:

Adamstown Township	Rangeley Plantation
Dallas Plantation	Sandy River Plantation
Lincoln Plantation	Township C
Magalloway Plantation	Township D
Richardsontown Township	Township E

The vision set forth in the Prospective Zoning Plan identifies several key qualities that local people wanted to retain and the Commission supported:

- Be a four-season recreational gateway to the working woods for recreation and forestry;
- Rely on the Town of Rangeley as the economic center;
- Focus most year-round development in Dallas, Rangeley, and Sandy River Plantations adjacent to Rangeley;
- Retain the working woods in most outlying townships; and
- Maintain diverse lake experiential qualities from remote to rural and developed settings.

Further, the prospective zoning plan was guided by the following principles:

- **Be consistent with the Comprehensive Land Use Plan**
- **Be place specific** – *create zones which respond to the particular character of the region; and differentiate between plantations appropriate for growth and those which are remote.*
- **Create and draw from a long term vision** – *promote land uses that reinforce the special character of the region over the long term and discourage or prohibit those that do not.*
- **Provide for reasonable expansion** – *create explicit and reasonable boundaries for zones in order to meet the development needs of the region over the next 20 years.*
- **Focus development** (and make permitting easier and more equitable there)
- **Stick to the plan** – *make it difficult to rezone areas outside of designated development zones, unless extenuating circumstances emerge.*

Stemming from this vision and these principles, the Plan created several new subdistricts, new standards, and additional rezoning criteria unique to prospectively zoned areas.

This prospective zoning system was intended to be easily understood and applied by both applicants and staff, without significant expansion of staff resources. It was designed using up-to-date, realistic, and “win-win” planning and regulatory concepts that have the greatest chance of maintaining or producing the desired qualities.

The *Prospective Zoning Plan for the Rangeley Region* has been in effect for over thirteen years. The Plan, in part, directs staff to monitor its effectiveness by tracking development trends and issues, reporting to the Commission periodically, and assessing at five-year intervals whether plan updates are necessary. This document will review many of the permitting and development data and trends since the adoption of the Plan, and begin to analyze what the prospective zoning approach has created.

A. RESULTS

It is important to take a periodic objective look at the prospective zoning plan, even if some provisions of the Plan may require a longer period for meaningful evaluation. With this in mind, this analysis will present data from the fifteen years preceding and thirteen years following the adoption of the Plan. Even though the two timeframes are not equal, the report presents prior data in five year blocks to allow comparison over time and so that those data blocks are stable as we continue to review the Plan in the future. This comparison of the ‘before’ and ‘after’ may be useful in better understanding the effects of the Plan. Further, it is important to understand that these data cannot fully account for the complex factors which may have influenced the results, such as the regional or state economy, low mortgage interest rates, the presence of natural resources that may attract certain uses, and owner interest and ability to develop.

Notes: Unless stated otherwise, all permitting data represent permit approvals. In many cases data are broken out by town, plantation or township, otherwise referred to as Minor Civil Divisions (MCDs).

Changes in Zoning

The Plan area consists of 10 townships and plantations. Prior to plan adoption, development zones totaled 7,686 acres, all of which allowed subdivision. The remainder of the Plan area was zoned General Management or in various protection subdistricts. At the time of Plan adoption, development zones totaled 9,234 acres, all but 325 acres of which allowed subdivision¹, and an additional 2,017 acres of P-GP2 subdistrict allowed limited subdivision. Since the time of Plan adoption, an additional 1,923 acres of development subdistrict have been added, primarily for the Saddleback Planned Development subdistrict. The total acres of development subdistrict now stand at 11,158 with an additional 2,017 acres of P-GP2 that allow for limited subdivision.

¹ 325 acres were zoned D-GN3, Rural settlement, which does not allow subdivision.

Activity By Subdistrict²

The following table, **Figure 1**, summarizes permit actions by subdistrict. If a permit action involved more than one subdistrict, it is only reported under the primary subdistrict, and therefore is only recorded here once.

Figure 1: Permitting Activity By Subdistrict in the Rangeley Region, 2001 – 2013

Subdistrict	# New Dwellings	Building Permits	Development Permits	Subdivision Permits	Other Permits	Total Actions
D-ES**		0	9	0	0	9
D-GN	1	2	6	0	2	10
D-GN2**	4	12	13	1	5	31
D-GN3**	4	25	2	0	1	28
D-PD	205	9	17	0	1	28
D-RS	11	66	1	7	6	81
D-RS2**	124	263	1	17	29	310
D-RS3**	91	430	2	17	63	512
M-GN	48	113	13	1	18	146
P-AR		1	3	0	3	7
P-FP		1	0	0	0	1
P-FW		1	0	0	1	2
P-GP	5	54	7	0	14	76
P-GP2**	6	24	6	0	6	36
P-MA		0	0	0	11	11
P-RR		0	0	0	1	1
P-SL1		1	0	0	1	2
P-SL2		3	0	0	3	6
P-WL1		0	0	0	8	8
Total	499	1,005	80	43	173	1,305

** subdistricts created by the Rangeley Plan process

- Some new residential development continues to occur in the General Management Subdistrict in plantations, however, the proportion of new development locating in the M-GN has decreased.

Since the Plan has been adopted, 48 (12.7% of total) new dwellings have been permitted and 49 (10.9%) other permits have been approved for assorted residential development (e.g., accessory structures, reconstructions, replacements, additions, etc.) in the General Management (M-GN) Subdistrict. The new dwellings were permitted in each of the five plantations within the Plan area (see **Appendix B** for a detailed table). The plantations that contain the most development subdistrict area are also the plantations with the most residential development activity in the General Management Subdistrict. The number of new dwellings permitted in the M-GN prior to and after the plan was adopted has declined. Further, the percentage of new dwellings permitted in the M-GN Subdistrict has decreased from 20% prior to the Plan, to only 10% since the Plan has been in effect. (Appendix B)

The amount of residential development occurring in the M-GN could be interpreted as being inconsistent with the Plan. The Plan aims to “retain the working woods in all but discrete locations in outlying townships” and the new subdistricts are to “provide as much room for development as has occurred over the past twenty years.” (Plan, p. i) However, the Rangeley Plan “does not prescribe any additional disincentives for development in the management or protection zones.” (Plan, p. 12) Although the Plan does not express a specific goal in regards to residential development in the M-GN, it seems to have set an

² The Plan created six new subdistricts: Extended Settlement (D-ES), Community Center (D-GN2), Rural Settlement (D-GN3), Community Residential (D-RS2), Residential Recreation (D-RS3), and Semi-Remote Lakes (P-GP2). See the Appendix for a description of each subdistrict.

expectation that new residential development should be located primarily in the development subdistricts. Through the incentives created by the new districts and prospective zoning, this appears to have occurred, recognizing that continued development in the M-GN also is allowed in the Plan, and therefore is expected.

Permitting / Development Activity

- Permitting and development activity as a whole is high in the region, yet relatively steady.

There were 1,307 permits issued between 2001 and 2013 (13 years), as compared to 1,988 permits issued between 1986 and 2000 (15 years). **Figure 2** summarizes permits by type and municipality type (MCDs where the Plan intended to focus residential development versus all other outlying townships). In that regard, “Focus Plantations” represent: Dallas, Rangeley and Sandy River Plantations; and “Outlying Townships and Plantations” represent the remaining seven MCDs.

Residential Development

- Residential development remains the top development type.

Although some MCDs experienced little to no change in residential development, as a whole the annual average number of new dwellings permitted has increased slightly in the thirteen years since the Plan took effect compared to the fifteen years prior. See **Figure 3** below.

- New residential development is occurring within the anticipated rate / amount.

In developing the Rangeley Plan, a general “rule of thumb” was applied to provide enough room over the life of the Plan to accommodate about as much development as occurred in the prior two decades. Toward that end, the Plan aimed to accommodate an estimated 650 new dwellings. Since 2001, 294 new dwellings, have been permitted in the Plan area. *Note that this does not include the 205 new dwellings permitted as part of the Saddleback Ski Resort as that project rezoned additional acreage to accommodate the additional development.*

- As intended, residential development has been occurring primarily within plantations surrounding the Town of Rangeley.

The Rangeley Plan is intended to focus year-round residential development primarily in Dallas, Rangeley, and Sandy River Plantations adjacent to the Town of Rangeley, with the remaining “outlying townships and plantations” to be sparsely developed. While the Plan made a distinction between permanent dwellings versus camps, such distinction is no longer appropriate or helpful for monitoring development trends in the region because in practice, the terms are used interchangeably. Further, neither dwellings nor camps are synonymous with any given intensity of use. Because the type of development is changing, the distinction of year-round versus seasonal is no longer as useful as has been the case in the past. As a result, the Commission will need to keep this in mind when collecting and analyzing data.

The three focus plantations have seen the significant majority of new dwelling permits. Excluding the D-PD development at the Saddleback Ski Area, 90% of new dwellings have been permitted in one of these focus plantations. **Figure 3** summarizes the numbers of permits by MCD, but does not exclude the Saddleback development. **Figure 4** excludes the Saddleback development and presents the data by year.

Figure 2: All Approved Permits By Type and MCD Type, 1986 – 2000 and 2001 – 2013

Residential Development Permits³

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	424	284	391	477	297	99	1,099	873
Outlying Twps & Plts	52	59	74	70	53	14	185	137
Total	476	343	465	547	350	113	1,284	1,010

Non-Residential Development Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	6	17	12	26	17	8	35	51
Outlying Twps & Plts	10	20	14	10	3	11	44	24
Total	16	37	26	36	20	19	79	75

Subdivision Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	36	20	12	17	17	3	68	37
Outlying Twps & Plts	5	3	1	4	2	2	9	8
Total	41	23	13	21	19	5	77	45

Zoning Approvals

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	16	4	8	0	2	0	28	2
Outlying Twps & Plts	1	0	0	1	0	1	1	2
Total	17	4	8	1	2	1	29	4

Other Permits⁴

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	135	135	86	57	38	27	356	122
Outlying Twps & Plts	44	72	47	23	14	14	163	51
Total	179	207	133	80	52	41	519	173

Total Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	617	460	509	577	371	137	1,586	1,085
Outlying Twps & Plts	112	154	136	108	72	42	402	222
Total	729	614	645	685	443	179	1,988	1,307

See Appendix C for companion data by individual MCD.

³ Unless indicated otherwise, “residential development” includes permits authorizing new dwellings, any number and type of accessory structures (garage, shed, etc.), structures that may be new, reconstructions, or replacements.

⁴ “Other” includes a variety of action types, including but not limited to advisory rulings, boat launch notifications, forest operations, road permits, shoreland alterations, service drops, etc.

Figure 3: Approved Permits for Residential Development By MCD, 1986 – 2000 and 2000 – 2013

New Dwellings Approvals

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	5	4	9	2	4	0	18	6
Dallas Plt	136	31	39	58	101	5	206	164 ⁵
Lincoln Plt	8	6	9	9	5	0	23	14
Magalloway Plt	7	3	5	4	3	0	15	7
Rangeley Plt	104	45	47	52	31	4	196	87
Richardsontown Twp.	2	2	1	0	1	0	5	1
Sandy River Plt	37	17	15	106	101	11	69	218 ⁶
Township C	4	0	1	1	1	0	5	2
Township D	0	0	0	0	0	0	0	0
Township E	2	0	0	0	0	0	2	0
Total New Dwellings	305	108	126	232	247	20	539	499
<i>Annual Average</i>	<i>61.0</i>	<i>21.6</i>	<i>25.2</i>	<i>46.4</i>	<i>49.4</i>	<i>6.7</i>	<i>35.9</i>	<i>38.4</i>

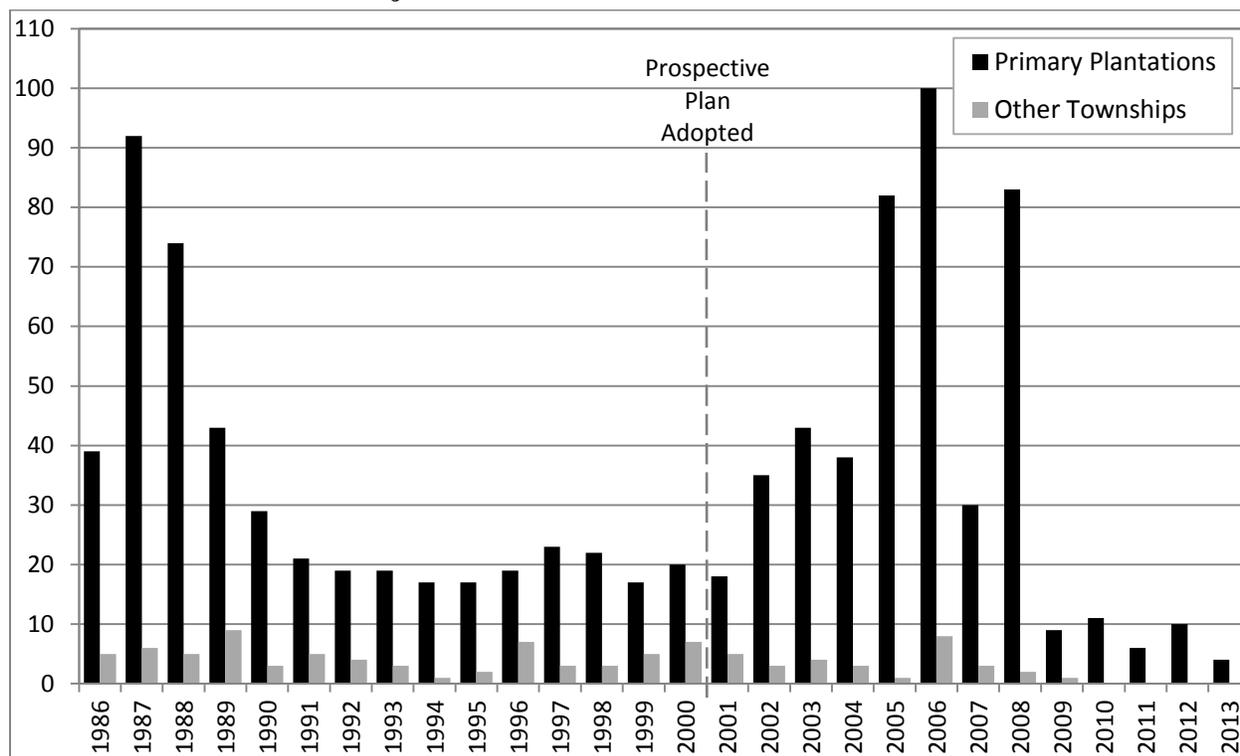
Other Residential Permits (non-new dwellings) Approvals

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	10	18	16	13	2	0	44	15
Dallas Plt	62	57	89	85	11	3	208	99
Lincoln Plt	7	12	12	23	3	1	31	27
Magalloway Plt	4	8	12	8	6	1	24	15
Rangeley Plt	113	98	141	154	45	9	352	208
Richardsontown Twp.	2	3	2	3	0	0	7	3
Sandy River Plt	22	37	57	72	1	0	116	73
Township C	0	3	4	5	0	0	7	6
Township D	0	0	0	0	0	0	0	0
Township E	0	0	2	2	0	0	2	2
Total Other Residential Permits	220	236	335	365	68	14	791	447
<i>Annual Average</i>	<i>44.0</i>	<i>47.2</i>	<i>67.0</i>	<i>73.0</i>	<i>13.6</i>	<i>4.7</i>	<i>52.7</i>	<i>34.4</i>

⁵ Includes 66 new dwellings at Saddleback Maine ski resort that were located in the D-PD, not in residential subdistricts.

⁶ Includes 139 new dwellings at Saddleback Maine ski resort that were located in the D-PD, not in residential subdistricts.

Figure 4: Annual Average of Approved New Dwellings Per MCD by Type, 1986 – 2013, Except Those Permitted for D-PD Projects



Note that Figure 4 is the only figure that excludes the following new dwellings 54 (2005), 70 (2006), 73 (2008), 2 (2010), and 6 (2012) related to Saddleback Maine ski resort (a D-PD Subdistrict).

➤ Data indicating the amount of development redirected to bordering Minor Civil Divisions in the jurisdiction is currently inconclusive; monitoring should continue.

Minor civil divisions that are adjacent to the Plan area include Coplin Plantation and the townships of Andover North Surplus, C Surplus, Davis, Lang, Lower Cupsuptic, Parkertown, Redington, and T6 North of Weld. Permit trends within most of these townships generally indicate little to no change in new dwellings or other building permits. **Figure 5** summarizes the new dwelling permit numbers for the period before and after adoption of the Plan. The Commission has received several comments that differences in land values or proximity to more cultural services may be causing homeowners to locate in these bordering MCDs. These bordering MCDs are generally not viewed as providing a draw for development based on natural resources (lakes or scenic views) comparable to those found in the Plan area and differences in land values may influence development patterns. Given that the data do not yet show a strong trend, future monitoring is warranted in order to assess the Plan’s long-term effects.

Figure 5: Residential Permit Approvals by MCD, 1986-2000 and 2001 – 2013.

Minor Civil Division	New Dwellings						Pre-Plan Total	Post-Plan Total
	Pre-Plan			Post-Plan				
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2010-2013		
Andover North Surplus	6	1	0	2	5	2	7	9
C Surplus Twp.	0	2	0	0	0	0	2	0
Coplin Plt.	20	16	14	35	4	3	50	42
Davis Twp.	2	0	1	0	1	0	3	1
Lang Twp.	1	7	3	8	3	0	11	11
Lower Cupsuptic Twp.	6	1	2	0	0	0	9	0
Madrid	NA	NA	NA	23	8	9	NA	40
Parkertown Twp.	3	2	1	1	4	0	6	5
Redington Twp.	0	0	0	0	0	0	0	0
T6 North of Weld	0	0	0	3	0	0	0	3

Minor Civil Division	Other Building Permits						Pre-Plan Total	Post-Plan Total
	Pre-Plan			Post-Plan				
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2010-2013		
Andover North Surplus	1	6	4	5	1	0	11	6
C Surplus Twp.	0	0	1	0	0	0	1	0
Coplin Plt.	12	24	25	30	6	0	61	36
Davis Twp.	1	0	1	3	1	1	2	5
Lang Twp.	0	3	6	7	1	0	9	8
Lower Cupsuptic Twp.	0	7	8	2	3	1	15	6
Madrid	NA	NA	NA	20	8	0	NA	28
Parkertown Twp.	2	6	1	6	2	2	9	10
Redington Twp.	0	0	0	0	0	0	0	0
T6 North of Weld	0	0	0	2	0	0	0	2

Note: Madrid Township deorganized in 2000 so permitting data is not available.

Non-Residential Development

➤ Non-residential uses have been dispersed across MCDs and subdistricts.

Since adoption of the Plan, permits for non-residential uses have been issued for a variety of activities. These activities are permitted via one of several permit types, including development permits, utility line permits, great pond permits, shoreland alteration permits, and road permits. **Figures 6 and 7** summarize the approved non-residential development permit actions by MCD and by subdistrict for the 2001-2013 period.

A comparison of non-residential development permits pre-Plan and post-Plan is shown in **Figure 2** on page 3, and seems to indicate a shift toward the three plantations to which the Plan directed development.

Figure 6: Non-Residential Development Permit Approvals by Minor Civil Division, 2001 – 2013.

	Advisory Rulings	Boat Launch	Commercial Use	Forest Operations	Mineral Extract.	Public Inst.	Recreation	Recreational Lodging	Road	Saddleback ⁷	Shoreline Alteration ⁸	Utilities	Wind Power	Total ⁹
Adamstown Twp.	5			1	1			9			7			18
Dallas Plt.	11		3	11	3	6	3		7	5	3	6		47
Lincoln Plt.	6	1		1		2		4			5	1		14
Magalloway Plt.	2			1		1		2	1		2	1		8
Rangeley Plt.	26		1	9		2	1	6	2		23	3	1	48
Richardsontown Twp.	2	2		1				2	1		2	1		9
Sandy River Plt.	12		4	6	1			1	3	14	2	1		32
Township C				2								2		4
Township D				1					1					2
Township E	1			1										1
Total	65	3	8	34	5	11	4	24	15	19	44	15	1	183

⁷ These data include actions that may have resulted in “new dwellings” or “new lots” only if other non-residential development was also authorized.

⁸ These actions include GP, SA, and HP permit types.

⁹ Totals exclude advisory rulings.

Figure 7: Non-Residential Development Permit Approvals by Subdistrict, 2001 – 2013.

	Advisory Rulings	Boat Launch	Commercial Use	Forest Operations	Mineral Extract.	Public Inst.	Recreation	Recreational Lodging	Road Saddleback ¹⁰	Shoreline Alteration ¹¹	Utilities	Wind Power	Total ¹²	
Extended Settlement Development Subdistrict (D-ES)			2			7							9	
General Development Subdistrict (D-GN)	1		2							1			5	
Community Center Development Subdistrict (D-GN2)	3		4	1	1	1	3	4		1			15	
Rural Settlement Development Subdistrict (D-GN3)	1					2							2	
Planned Development Subdistrict (D-PD)	1								17				17	
Residential Development Subdistrict (D-RS)	2			1				1		3			5	
Community Residential Development Subdistrict (D-RS2)	7			15			1	5		1	1		23	
Residential Recreation Development Subdistrict (D-RS3)	26	1		6				2	2	23	4		38	
General Management Subdistrict (M-GN)	12				1	1		5	4	2	1	4	19	
Aquifer Protection Subdistrict (P-AR)					3				1		2		6	
Fish and Wildlife Protection Subdistrict (P-FW)											1		1	
Great Pond Protection Subdistrict (P-GP)	6	2		1				7	1	3			14	
Semi-Remote Lake Protection Subdistrict (P-GP2)	3							3	1	2	2		8	
Mountain Area Protection Subdistrict (P-MA)	1			10									10	
Recreation Protection Subdistrict (P-RR)								1					1	
Shoreland Protection Subdistrict (P-SL1)											1		1	
Shoreland Protection Subdistrict (P-SL2)	2									1			1	
Wetland Protection Subdistrict (P-WL)										8			8	
Total	65	3	8	34	5	11	4	24	15	19	44	15	1	183

¹⁰ These data include actions that may have resulted in “new dwellings” or “new lots” only if other non-residential development was also authorized.

¹¹ These actions include GP, SA, and HP permit types.

¹² Totals exclude advisory rulings.

Subdivision

➤ The number of subdivision actions has decreased from 77 to 45 from the fifteen years prior to Plan adoption to the thirteen years following Plan adoption, and the total number of lots created has decreased from 277 to 142 lots. These totals mask sharp increases and decreases over time within both the pre- and post-Plan periods.

Subdivision permit activity in the region included 45 subdivisions and amendments (boundary adjustments, amend conditions, etc), for 2001 through 2013.

A subdivision boom in the late 80’s led to rapid lot creation, which fell off sharply in the 90’s. Lot creation rose again through the 2000’s. In all time periods, most of the activity has been in the focus plantations.

Of the 142 lots created since 2001, 52% were established through amendments to existing, approved subdivisions. These additions are referred to as “secondary or further subdivisions”. This activity is generally comparable to the 43% of “secondary” subdivision lots created between 1986-2000. **Figures 8 and 9** outline these data further.

Approximately half of all the approved subdivision actions, from both periods, did not create new lots. This activity illustrates the extent of permitting activity focused on minor amendments such as modifying conditions and lot layout.

Figure 8: Number of Approved Subdivisions by the Number of Lots Created Per Subdivision

New Lots Per SP Permit	1986-2000		2001-2013	
	# of actions	%	# of actions	%
Lot reduction	3	7%	3	12%
1-2	17	40%	11	42%
3-5	7	16%	5	19%
6-10	7	16%	2	8%
11 or more	9	21%	5	19%
Total	43	100%	26	100%

Figure 9: Subdivision Permit Approvals and Lots Created, 1986 – 2000 and 2001 – 2013

Subdivision Actions and Lots Created By Minor Civil Division by Period

	1986-2000				2001-2013			
	Subdivision Actions			Lots Created	Subdivision Actions			Lots Created
	1986-1990	1991-1995	1996-2000		2001-2005	2006-2010	2010-2013	
Adamstown Twp.	5	3	0	8	3	1	0	9
Dallas Plt.	19	10	6	131	7	5	2	57
Lincoln Plt.	0	0	0	0	0	0	1	2
Magalloway Plt.	0	0	1	0	0	1	1	4
Rangeley Plt.	7	7	4	49	3	9	0	19
Richardsontown Twp.	0	0	0	0	0	0	0	0
Sandy River Plt.	10	3	2	89	7	3	1	48
Township C	0	0	0	0	1	0	0	3
Township D	0	0	0	0	0	0	1	0
Township E	0	0	0	0	0	0	0	0
Total	41	23	13	277	21	19	6	142
<i>Annual Average</i>	8	5	3	18	4	4	2	11

Lots Created By Minor Civil Division Type and by Period

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Focus Plantations	159	103	7	25	91	8	269	124
Outlying Twps & Plts	1	7	0	11	1	6	8	18
Total	160	110	7	36	92	14	277	142

Zoning Petitions

- The commission has received relatively few rezoning petitions. This is consistent with the intent of the Plan to minimize the need for rezoning and to allow rezoning only in limited situations.

At the time it adopted the Rangeley Plan the Commission also amended its rules to be consistent with and implement the Plan. The Commission's rules contain rezoning criteria specific to the Rangeley Plan area. These criteria establish that an individual seeking to rezone property in the Plan area must demonstrate:

Unforeseen Circumstances – *“The requested change is needed due to circumstances that did not exist or were not anticipated during the prospective zoning process.”*

Contiguous Development Districts – *“The new development subdistrict is either contiguous to existing development subdistricts or within areas that are suitable as new growth centers.”*

More Effective Approach – *“The change will better achieve the goals and policies of the Comprehensive Land Use Plan, including any associated prospective zoning plans.” (10.08)*

These criteria reflect the level of effort that went into development of the Plan and associated subdistricts and a desire to ensure the Plan had a chance to work. These criteria also reflect that the Commission recognized that circumstances may change and not everything could be anticipated during the Rangeley, or any, planning process.

Since 2001, there have been 7 petitions for rezoning; 4 were approved and 3 were denied. Comparatively 11 zoning petitions were approved and 4 denied between 1986 and 2000.

One approved petition was initially submitted to the Commission prior to the effective date of the Rangeley Plan and, therefore, was reviewed under the rules in effect at the time of the submittal. This petition rezoned 12 acres from (M-GN) General Management Subdistrict and (P-GP) Great Pond Protection to (D-RS) Residential Development Subdistrict for the purpose of developing three individual camp lots and conserving one retained lot at Middle Dam on Lower Richardson Lake. The second approval was for Saddleback Ski Resort. Both of these projects were specifically mentioned in the Plan as “Other Potential Development Areas” (Plan, p. 19-20).

The third approved zoning petition was for a United States Border Patrol Station on Route 16 in Dallas Plantation. This petition raised an issue with the interaction of the Rangeley Plan and the LUPC's regulatory authority regarding conditional zoning. In this case, prior to petition approval the applicant had yet to secure the contract for the border patrol station. This fact created concern that the rezoning could be approved according to the proposed use, though the ultimate development would not have been bound to that use. Rezoning decisions generally approve the subdistrict and therefore the concept of the range of allowed uses. The additional rezoning criteria in the Plan area, however, link the petition approval to the specific proposed use.

The fourth approved zoning petition corrected the bounds of the Wetland Protection and the General Management Subdistricts.

The Commission has denied three zoning petitions in the region since Plan adoption. One sought to rezone 42 acres of (M-GN) General Management Subdistrict to (D-RS2) Community Residential Development Subdistrict for the purpose of subdividing the parcel into 29 lots for residential development and sale. The second sought to rezone 5 acres from (M-GN) General Management Subdistrict to (D-GN2) Community Center Development Subdistrict for the purpose of constructing a meeting hall. Both of these petitions were within two years of the adoption of the Plan. The third sought to rezone for a proposed residential subdivision in 2013.

Overall, the rezoning criteria specific to the Plan area appear to be functioning as intended.

Standards

- The development standards adopted pursuant to the Plan do not lend themselves to a data-driven evaluation.

Review standards for development in prospectively zoned areas were created and are now part of Chapter 10. These standards are provided in sections 10.25, B and 10.26, C through F, and include minimum road frontage, setbacks, lot coverage, maximum building height, outdoor lighting, buffering, and parking and circulation. These standards do not lend themselves to analysis of permit data and trends. Except as noted below, the standards appear to be functioning as intended, however, the Commission has not conducted case studies of specific developments to evaluate the standards in more depth.

Building height, setbacks, lot coverage, and road frontage

Both fixed and flexible requirements apply to specific uses in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts; while others also apply in the D-RS3, D-CI, and D-ES subdistricts. The additional standards provide flexibility for in-fill development to fit in with existing development or otherwise encourage compact development patterns.

Outdoor lighting

Following the adoption of the Rangeley Plan, the Commission adopted outdoor lighting standards that were applied jurisdiction-wide, not just in prospectively zoned areas.

Buffering

Prior to the Plan the Commission's Land Use Districts and Standards (10.27,B) included vegetation clearing standards. As a result of the Plan, the Commission established additional buffering standards (10.25,B,2) to complement the then existing vegetation clearing standards.

The new buffering standards apply to all principal and accessory buildings in all Development Subdistricts in prospectively zoned areas. In applying these standards staff have noted that Section 10.25,B,2 should clarify what if any clearing may be conducted within the required buffer.

Building layout

To guide in-fill development and compact development patterns, the Commission established building layout standards. These standards apply in the D-GN, D-GN2, D-GN3, D-RS, and D-RS2 subdistricts in prospectively zoned areas.

Parking and circulation

As a result of the Rangeley Plan the Commission developed parking and circulation standards to address access management, parking layout and design, and subdivision and development roadway design. These standards also now apply jurisdiction-wide, not just in prospectively zoned areas.

Other Potential Development Areas

In addition to providing the basis for rezoning a number of areas within the Rangeley region, the Plan identified other potential development areas. "Development in three additional areas... was discussed but zoning designations were not applied at this time, pending further information by the landowners. This Plan recognizes that these landowners may file requests for rezoning permits for selected locations within these areas over the life of the Plan. The Commission will approve such development proposals providing they are consistent with the pattern of growth, kinds of uses, and amount of overall development specified in this Plan and meet all the zoning and regulatory requirements and statutory approval criteria." (Plan, page 19. See also locations identified with a question mark on the map on page 23.)

A portion of the area on Route 16 in Dallas Plantation was subsequently sold to the Nestle Waters North America and a water extraction operation was permitted on the site. While some parties contended that the use was inconsistent with the Rangeley Plan, the Commission found that the use was consistent with the Plan and ultimately the Maine Supreme Court upheld the Commission's determination.

The area on the Dallas Hill Road in Dallas Plantation refers to land owned by Saddleback Maine ski resort. The Saddleback project has been obtaining approval since the late 1980's to rezone and subsequently expand the (D-PD) Planned Development Subdistrict, and to develop the resort complex, including a cross country ski center. The landowner continues proposing additional development within the already expanded (D-PD) Planned Development Subdistrict.

The last area, identified by the Plan as another potential development area, was the Southeast corner of Rangeley Plantation. This area was anticipated to be used for gravel extraction and asphalt production, though no activities have been formally proposed.

B. OTHER INITIATIVES

The Plan makes note of three other initiatives that may interact with the Prospective Zoning Plan: the Town of Rangeley Comprehensive Plan, National Scenic Byways, and the Maine Department of Transportation Access Management program.

The Town of Rangeley revised its comprehensive plan in September of 2012. The Commission will review and address relevant aspects of the Rangeley Comprehensive Plan when considering changes to its own Rangeley Plan in the future.

Routes 4 and 17 are designated as both State and National Scenic Byways. The byways are managed according to a locally developed corridor management plan. Both the corridor management plan and the Rangeley Plan are consistent with each other. Since the adoption of the Plan portions of Routes 4 and 17 have been, and continue to be, improved for safety and traffic flow.

Access standards were to be part of the Rangeley Plan, but were omitted due to anticipated changes in Maine Department of Transportation permitting processes. The Maine DOT has since adopted rules to assure safety and proper drainage on all state and state aid highways with a focus on maintaining posted speeds on arterial highways outside urban compact areas. The DOT rules also include standards for avoidance, minimization, and mitigation of safety hazards along the portions of rural arterials.

While not discussed in the Rangeley Plan, the Umbagog National Wildlife Refuge is located within Magalloway Plantation and borders most of Umbagog Lake. The U.S. Fish & Wildlife Service adopted a revised Comprehensive Conservation Plan for the refuge in January 2009. The LUPC staff reviewed the revised plan and found it consistent with the Commission's Comprehensive Land Use Plan and the Rangeley Plan.

C. IMPLEMENTATION ITEMS

The *Prospective Zoning Plan for the Rangeley Lakes Region* identifies specific implementation action items to be completed (see pages 21 and 22 of the Rangeley Plan). Those items are noted below, followed by any updates, actions taken, or pertinent information regarding their status.

- Identify Unique Factors of Interest/Changing Circumstances. (Plan, p. 21)

- Economy

In the thirteen years since the Rangeley Plan was adopted in 2001, real estate markets and the economy have been in flux and continue to experience dramatic swings. These factors are likely to contribute to influences upon development types, rates, and patterns in the unorganized and deorganized areas, including in the Rangeley Region. Employment is a significant issue in the Rangeley area, and is of great concern to many residents.

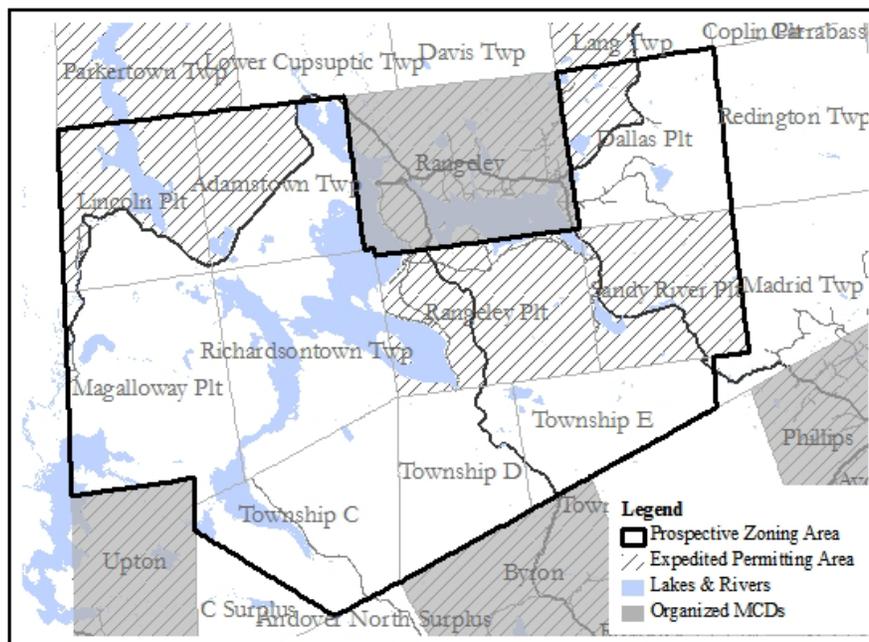
The Commission recognizes the need for appropriate economic development in the area and has asked staff to research policy alternatives that might allow the Commission to weigh economic development factors associated with specific development proposals when interpreting the region-specific rezoning criteria.

Action Taken: Staff has so far contacted the Maine Department of Economic and Community development to learn more about any relevant thresholds and definitions and researched the “size standards of the federal Small Business Administration.” No relevant threshold or standard readily presents itself for the Commission’s use. For example, at the low end of the Small Business standards are employers of 500 people, not a reasonable standard for the Rangeley Region.

Recommendation: Further research and Commission discussion is recommended if the Commission desires to establish policy that links job creation to the special zoning criteria.

- Wind Power Expedited Permitting Area

In 2008, the Maine State Legislature passed the Wind Energy Act (Chapter 661), which created an “expedited permitting area” for grid-scale wind energy development (defined as: *development that uses a windmill or wind turbine to convert wind energy to electrical energy for sale or use by a person other than the generator*). All of Rangeley Plantation and Sandy River Plantation and certain areas in Dallas Plantation, Lincoln Plantation, and Adamstown Township are included in the



expedited permitting area (see map). In these areas grid-scale wind energy development is a use allowed with a permit in all subdistricts; however, grid-scale wind energy development may not be feasible in a number of locations based on the available wind resources and technology capabilities.

Since that legislative change, no grid-scale projects have been acted upon by the Commission in the Rangeley Plan area.

Action Taken: Chapter 10 has been revised to be consistent with the Wind Energy Act.

Recommendation: Monitor wind power development within these expedited permitting areas.

3. Land zoned for development

The Rangeley Plan zoned over 7,200 acres of land as a development subdistrict as the primary means of guiding the location of development within the region. However, since adoption of the Plan, a number of large parcels zoned for development have not yet been subdivided or developed. Further, if large parcels have been developed the development may not be at the maximum density or scale provided for in the Plan. While this is not necessarily an issue at this time, because it appears that there is a large number of unsold subdivision lots, the community and the Commission should consider the implication if this persists long-term.

Action Taken: None

Recommendation: Continue to monitor these development subdistricts and the related development in preparation for an eventual Plan revision.

- Monitor the issuance of permits for home occupations in the General Management Subdistrict (M-GN), particularly for special exceptions in Rangeley, Dallas, and Sandy River Plantations. This monitoring should consider whether home occupations will be complementary or detrimental to the long-term function of the management zone for forestry and agricultural uses and the avoidance of development sprawl. (Plan, p. ii & 21)

Minor home occupations are a use allowed without a permit or allowed without a permit subject to standards in all subdistricts throughout the jurisdiction, therefore data are not available on the number of minor home occupations. Major home occupations require a permit in D-GN2, D-GN3, and D-RS2 subdistricts; they are allowed by special exception in D-ES, M-GN, P-AL, P-AR, P-FW, P-GP, P-RT, P-SL, and P-UA subdistricts, and are not an allowed use in all other subdistricts.

Although there were seven home occupations permitted during the fifteen years prior to the Plan, only one permit has been issued for a major home occupation in the thirteen years since the Plan was adopted. Specifically, the permit authorized a farm stand as a home occupation in the M-GN and D-RS2 Subdistricts. Permitting staff indicates landowner interest exists in creating home occupations; however, their intended activities have not met the definition of home occupations or have been achieved as minor home occupations.

Action Taken: Monitoring of home occupations.

Recommendation: Continue to monitor home occupations, particularly major home occupations located within the General Management Subdistrict. Consider a review of home occupation regulations as the Commission's priorities allow.

- Monitor new development on Lower Richardson Lake to determine its impact on the character of Upper Richardson Lake. Address whether there is a need to treat both lakes as one “remote” lake because they are physically connected and both have outstanding resource values. Boating traffic generated by development on the lower lake will most likely affect the upper portion in equal measure. (Plan, p. ii & 21)

Data: One subdivision permit issued for 3 camp lots and 1 retained conserved lot has been issued on Lower Richardson Lake. This project was discussed during the Plan development phase and in the Plan. Only one of the camp lots has been developed to date, as discussed below. Each of the lots, though not all currently developed, are subject to clearing standards and building setbacks of no less than 100 feet from the lake.

One new dwelling has been permitted on each of Lower and Upper Richardson Lakes. However, Lower Richardson Lake has also experienced other development since the Plan was adopted in 2001. Specifically, nine additions to existing dwellings, one relocation, and three reconstructions have been permitted on the Lower Lake, while only one addition has been permitted on the Upper Lake.

Action Taken: No additional monitoring or visual analysis has been completed.

Recommendations: Continue to monitor development on Lower Richardson Lake.

- Acquisition Priorities (Plan, p. ii & 21)

The Plan identified priority areas for conservation attention, specifically Lower Richardson Lake, Azischohos Lake and the remaining undeveloped shore of Beaver Mountain Lake. Since the Plan was prepared, more than 23,000 acres have been conserved by easements or by fee ownership over eight different areas. Of those, one tract of 20,400 acres was a pending agreement at the time of the Plan adoption and is also within the areas of priority attention. Another parcel was conserved, effectively protecting 75% of the undeveloped shoreline of Beaver Mountain Lake. Two other parcels have been conserved through easement, approximately 1,200 acres on Cupsuptic Lake and 500 acres at the Height of Land, in 2006 and 2007 respectively.

Action Taken: None

Recommendation: Remain supportive of conservation efforts, particularly in the priority areas.

- Elimination of subdivision law exemptions (Plan, p. ii & 21)

Action Taken: The 40-acre Exemption was in existence until 2001, at which point it was restricted by the legislature to only non-development purposes (i.e., forestry, agriculture, or conservation). Any subsequent division or development of exempted lots would require prior LUPC approval.

The Commission recently completed rulemaking to clarify subdivision exemptions. No further action is planned at this time.

Action Taken: Revised Commission rules following a statutory change that eliminated the use of the 40 acre exemption for development purposes.

Recommendation: No further action.

- Improve Planned Development (D-PD) Subdistrict Rezoning process (Plan, p. ii & 22)

During the development of the Rangeley Plan some people expressed frustration with the Planned Development (D-PD) Subdistrict zoning process, particularly that it was seen as cumbersome and expensive. At that time only one proposal had been reviewed under the D-PD criteria. With time, this

issue was resolved as the LUPC worked with the applicant on amendments to the Development Plan. However, the issue may remain in regards to the whole jurisdiction.

Action Taken: This item has been resolved with regard to expanding the D-PD Subdistrict in the Plan area.

Recommendation: Continue to look for opportunities to clarify the D-PD process, especially with regard to projects that trigger Site Law and therefore, will involve both the Commission and the DEP.

▪ Enable the development of “mother-in-law apartments” in the Residential Recreation Subdistrict (D-RS3) (Plan, p. ii & 22)

“Mother-in-law-apartments,” more appropriately known as accessory apartments, can pose concerns in regards to development compatibility depending upon the purpose of particular subdistricts or on-site environmental constraints. If appropriate standards are in place, accessory apartments can fit into the character of most areas, and may even be difficult to notice. Further, accessory apartments can work well to enable the provision of affordable or workforce housing and other cultural benefits. However, any action to achieve this directive should include careful thought and evaluation.

Action Taken: None

Recommendation: Revisit this topic in the context of the whole jurisdiction to evaluate whether the use is appropriate for the D-RS3 Subdistrict and/or other areas.

▪ Periodic Analysis and Evaluation (Plan, p. 21)

Discussion: Efforts to track or research development rates and patterns should be continued, at least on the existing five year cycle. Additional data, over a longer period of time, particularly data discussed herein, will be necessary to adequately analyze the Plan and enable its evolution. Those analyses should also include MCDs that border the Plan area to confirm that the Plan is not redirecting development to unanticipated areas.

The Commission should consider conducting a build-out analysis, in addition to that which was done for Sandy River Plantation, to better understand the amount of land consumed by, and remaining for, development. This could be timed to coincide with the next 5 year analysis and evaluation.

In order to conduct a build-out analysis using GIS, up-to-date and comprehensive mapping of primary structures will be necessary. By applying the primary structure locations to the parcel data, a valuable frame of reference can be created, illustrating the number and locations of parcels that are built out (according to current regulations) and for those that are not built out, identify the general number of parcels/structures which could be divided or developed.

Action Taken: The Commission has conducted an analysis of permitting activity in the Plan area three, eight, and thirteen years after the adoption of the Rangeley Plan. Further, in conjunction with this Evaluation and Progress Report, staff conducted a survey of stakeholders considered knowledgeable about development trends in the region, using a set of targeted questions.

Analysis of the comments received was reviewed by the Commission at its May 2014 meeting. Notably, these comments included a variety of opinions among owners and developers, Realtors, and contractors on the one hand reporting a large surplus of available subdivision lots and performance problems in subdivisions and, on the other hand, others reporting significant demand for the creation of new subdivision lots.

Recommendation: Continue to conduct periodic review and analysis of the Rangeley Plan and development activity within the Plan area. The Commission has also requested that this Evaluation and Report be presented at a public meeting in the Rangeley region so that the affected public may attend

and provide further input. Comments and information provided at the public meeting may form the basis for an appendix to this report and may cause the Commission to consider additional follow-up.

While conducting this analysis several other items that warrant action were identified.

➤ Identify thresholds that will trigger re-evaluation of the Plan.

Discussion: The Plan was developed to “provide enough room for the next twenty years to accommodate about as much development as occurred in the past two decades” (Plan, p. 20.) While the Plan currently appears to be performing well, the region will inevitably reach a point where various areas are “built-out.” Given the increased rate of new dwellings, such build-out may occur before the 20-year period has lapsed. Although in this regard the term built-out is not defined, some examples might include: development has consumed all available acreage/lots; residential development can no longer be focused in plantations as intended; residential development subdistricts can no longer accommodate residential development and it overflows into the General Management Subdistrict. The Commission and the public should identify thresholds that will would trigger re-evaluation of Plan (i.e., when does the Plan need expansion?). This is particularly important given the necessary lead time to create an effective Plan. Depending upon the features involved and the particular thresholds identified, GIS related modeling tools may be available to aid in this effort.

Recommendation: Continue regular analysis and evaluation of development trends to remain informed of trends, but also outline a process for identifying these thresholds. Ultimately, staff and the Commission should anticipate a more in-depth and complex process during the next review.

➤ Consider enabling the application of Plan subdistricts across all the unorganized and deorganized areas in the state.

Discussion: As discussed earlier in this report, six new subdistricts were created in response to the *Rangeley Prospective Zoning Plan* (see **Appendix A** for a complete list and description of these subdistricts). While not stated directly in the Plan, the Commission and to some degree the public, has anticipated application of these subdistricts beyond the Rangeley region. This would allow landowners to request a rezoning of their property to one of these subdistricts. As discussed in this report, these subdistricts have been successful enough to confirm they are appropriate for wide-spread usage.

Recommendation: Assess the purpose and description of each subdistrict, many of which are currently only allowed within prospectively zoned areas. Identify subdistricts that may be appropriate for use in areas that are not prospectively zoned. Finally, through a rule revision process, revise the purpose and description of any such subdistricts in order to clearly enable their universal application. Alternatively, these zones could be employed by regions conducting Community Guided Planning and Zoning.

➤ Revisit “extent of shoreline to be conserved” provisions of the P-GP2 Subdistrict.

Discussion: Rulemaking flowing from the Rangeley Plan created the Semi-Remote Lake Protection (P-GP2) Subdistrict to “provide a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.” (10.23,F) As implemented, the P-GP2 Subdistrict (Section 10.23,F,3,f) requires for parcels having more than 400 feet of shore frontage to be developed, “at least 50 percent of a landowner’s ownership on a shoreline shall be conserved ... as open space according to the provisions of Section 10.25,S.” (See **Appendix D** for the full text of Section 10.25,S.) This standard requires the open space, or development rights of that space, to be owned by a “qualified holder.” In this case, “qualified holder” is defined generally as a governmental body or a nonprofit corporation or trust.

This requirement may be well suited for moderate to large lots, but could prove problematic for smaller lots where a “qualified holder” is generally unlikely to be interested in or able to manage small and/or scattered land areas. The lakes identified for the P-GP2 Subdistrict by the Plan include Aziscohos Lake and Lower Richardson Lake, though the issue is not unique to either lake.

Recommendation: The Commission should review the intent and functionality of this provision during the next comprehensive revision of the Rangeley Plan. Specifically, the review should examine the existing standards of 10.23,F and 10.25,S to determine if the intended results are achievable under the existing rules and align with the purposes and resources of potential easement holders. Alternatively, this issue may be at least partially addressed in the upcoming review of subdivision regulations.

D. CONCLUSIONS

New development appears to be focused in the areas that the planning process identified as most desirable for growth, and were therefore zoned to make development easier. It is not possible to know definitively how much of that growth would have occurred in those locations anyway, and how much growth was incentivized toward the most suitable areas. However, the increase in the proportion of new dwellings occurring in development zones, as opposed to the M-GN, suggests that the strategy of providing pre-zoned areas as an incentive may be meeting with some success. Changes in growth in the region track changes in the economy and real estate market generally, and having area zoned in advance for foreseeable development demand seems to be a good strategy to ensure a clear path to development in a way that benefits the community as well as the property owner.

Given the results to date, this prospective zoning plan provides subdistricts and standards that may be appropriate to apply in other areas of the jurisdiction. Further, the overall process and resulting plan has been beneficial and can serve as a model of one type of prospective zoning effort for other regions of the State.

The Plan aimed to accommodate 20 years’ worth of development. As development in the region approaches this capacity, additional analysis will be warranted; the next review and evaluation should include spatial analyses of development trends. Specifically, mapping all new dwellings and subdivisions will enable the Commission and community to best understand the pattern of development and the amount of development subdistricts involved.

E. LESSONS LEARNED

In applying the *Rangeley Prospective Zoning Plan* and evaluating its effectiveness, staff has learned a few general lessons regarding prospective zoning. Given the Commission’s interest in applying prospective zoning to other areas of the jurisdiction, it is important to capture these lessons. The following list is not exhaustive, rather it is meant to be a starting point for discussion.

- When prospectively zoning, contemplate the interaction of development subdistricts and the General Management Subdistrict, particularly in regards to residential development. If the intent of a prospective zoning plan is to concentrate residential development in Development Subdistricts, contemplate how the General Management Subdistrict fits into the equation. (*See page 3 for more information.*)
- Consider development, particularly residential development, in regards to intensity rather than whether the structure was permitted as a permanent dwelling or a seasonal camp. For example – where development might previously have been limited to seasonal dwellings, instead establish a distinction according to characteristics that better reflect the intensity of development, such as square footage, foundation type, setbacks and screening. (*See page 5 for more discussion.*)

- When prospectively zoning, include an area large enough to encompass the primary focus area and some of the surrounding area. This approach should work to minimize unintended diversion of development pressures to adjacent townships. *(See page 5 for more information.)*
- Work to address conflicts between and/or clarify the rezoning criteria of 10.08,C,1,a and the LUPC's regulatory authority (e.g., conditional zoning). *(See page 11 for more information.)*
- Development activity continues during the comprehensive planning process. By inviting dialogue about development proposals while developing a prospective zoning plan, landowners are better able to plan for development activities at the same time that work on the Prospective Zoning Plan continues. In the *Rangeley Prospective Zoning Plan* this approach was identified as "Other Potential Development Areas." Future application of this approach should be considered, but should be applied carefully to maximize the effects of the prospective zoning process. *(See page 13 for more discussion.)*
- Prior to applying prospective zoning standards, such as buffering and building layout, baseline data should be collected for future application. Without these baseline data, evaluation of such standards will be very difficult to achieve or will prove less conclusive. *(See page 12 for more discussion.)*
- Prior to adoption of the first prospective zoning plan in an area, or substantial revision of an existing plan, identify thresholds that trigger re-evaluation of the plan (i.e., when does the plan need expansion?). This is particularly important given the necessary lead time to create an effective plan. This should be thought of as a circuit breaker that will prompt Commission and public action in response to nearing capacity. *(See page 18 for more discussion.)*

F. APPENDICES

Appendix A: Subdistrict Descriptions

The following is a list and description of all subdistricts that apply to the permitting activity in the ten minor civil divisions in the Rangeley Plan area. The accompanying text represents excerpts from the Purpose and Description of each subdistrict in the Land Use Districts and Standards (Chapter 10). Note that subdistricts created through the Rangeley Prospective Zoning Process are identified with an asterisk (*) and *italic* text.

* D-ES - Extended Settlement Development Subdistrict

The purpose of the D-ES subdistrict is to separate those land uses that create impacts incompatible with residential areas and community centers, as well as provide for appropriate areas to concentrate development at the edge of rural growth centers designated as development subdistricts. Concentrated development seeks to avoid the visual and fiscal impacts of sprawl.

This subdistrict is designed to accommodate a wide range of commercial, light manufacturing, and public uses that create impacts incompatible with other smaller scale commercial, public, and residential uses. This subdistrict allows facilities that generate traffic or noise such as transfer stations, gasoline stations, warehouses, self storage, and contracting businesses. The subdistrict is not designed to accommodate general retail establishments better located in a community center or rural settlement; or to facilitate strip development along highways.

This subdistrict will only be applied in areas appropriate to accommodate this type of development in a community after a prospective planning process has been undertaken. Appropriate areas will be adjacent to other development subdistricts, particularly D-GN2 subdistricts. Adjacent is interpreted to mean within a distance of one road mile. The D-ES subdistrict will not be located in remote or lightly settled areas or separately from established or proposed development centers.

D-GN - General Development Subdistrict

The purpose of the D-GN subdistrict is to recognize existing patterns of development in appropriate areas and to encourage further patterns of compatible development therein and adjacent thereto. It is the Commission's intent to promote these areas as future growth centers in order to encourage the location of compatible developments near each other and to minimize the impact of such development upon incompatible uses and upon public services and facilities. Thus the Commission's purpose is to encourage the general concentration of new development, and thereby avoid the fiscal and visual costs of sprawl, and to provide a continuing sense of community in settled areas.

* D-GN2 - Community Center Development Subdistrict

The purpose of the D-GN2 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up community centers. It is designed to concentrate development in order to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

Community centers are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN subdistrict but provides for a wider range of appropriate uses and increased size thresholds for general commercial uses. This wider range of uses is permitted because additional development standards for uses in this subdistrict ensure that adjacent uses are compatibly developed and undertaken.

This subdistrict will be applied only in communities in the fringe of the Commission's jurisdiction as defined in the Comprehensive Land Use Plan, and in areas appropriate as centers of growth after a prospective planning process has been undertaken by the Commission.

** D-GN3 - Rural Settlement Development Subdistrict*

The purpose of the D-GN3 subdistrict is to provide for a range of complementary uses that have a similar size, scale, and character that make up a settlement area in remote or interior areas of the jurisdiction. It is designed to concentrate and control the rate of growth by prohibiting subdivision. This subdistrict seeks to limit the fiscal and visual impact of sprawling development and to provide a continuing sense of community in lightly settled areas. Adaptive reuse and rehabilitation of legally existing structures is encouraged in this subdistrict.

Rural settlements are areas where there is a mix of complementary residential, commercial, and civic uses that create a focal point for community life. This subdistrict is similar to the D-GN2 subdistrict but allows uses of an appropriately smaller size and intensity, also subject to specific development standards. It is also different from the D-GN2 subdistrict as it prohibits subdivisions in order to maintain the remote and small-scale feel of these development nodes. Gradual lot creation is allowed via the existing exemptions in the Commission's statute and these rules and regulations.

D-PD – Planned Development Subdistrict

The purpose of the D-PD subdistrict is to allow for large scale, well-planned developments. The Commission's intent is to consider development proposals separated from existing developed areas, provided that they can be shown to be of high quality and not detrimental to other values established in the Comprehensive Land Use Plan, and provided they depend on a particular natural feature or location which is available at the proposed site. A permit will be granted when the Commission is persuaded by a preponderance of all evidence that the location of the site is the best reasonably available for the proposed use and that the goals and policies of the Comprehensive Land Use Plan are served. Where a D-PD subdistrict petition is granted, it shall not provide the basis for subsequent redistricting of the area to another development subdistrict, nor shall it serve to satisfy those requirements for redistricting surrounding areas to development subdistricts pursuant to Section 10.08.

The D-PD subdistricting process is designed to encourage creative and imaginative design and site planning, to promote efficient use of the land, and to afford the applicant reasonable guidance in formulating an acceptable development proposal.

D-RS – Residential Development Subdistrict

The purpose of the D-RS subdistrict is to set aside certain areas for residential and other appropriate uses so as to provide for residential activities apart from areas of commercial development. The intention is to encourage the concentration of residential type development in and adjacent to existing residentially developed areas.

** D-RS2 - Community Residential Development Subdistrict*

The purpose of the D-RS2 subdistrict is to designate residential areas that can accommodate an appropriate range of low-impact commercial and public uses that are compatible with residential uses. This subdistrict seeks to promote residential living and thriving neighborhoods with a limited range of services.

The D-RS2 subdistrict shall be located adjacent to a D-GN2 subdistrict in order to limit the fiscal and visual impacts of sprawling development. Adjacent is interpreted as within a distance of one road mile. This subdistrict is similar to the D-RS subdistrict but it allows for commercial development such as bed and breakfasts, health care facilities, and golf courses.

* D-RS3 - Residential Recreation Development Subdistrict

The purpose of the D-RS3 subdistrict is to accommodate seasonal and year-round recreational development in high value resource areas without compromising the recreational setting. This subdistrict allows a restricted range of allowed uses in order to ensure attractive residential recreational opportunities.

The D-RS3 subdistrict shall be applied only in high natural resource value areas appropriate for residential or closely related uses in a community and shall be applied after a prospective planning process has been undertaken by the Commission. The D-RS3 subdistrict shall be located in areas that are inappropriate for intensive mixed development.

The D-RS3 subdistrict area will be located along or near the shorelines of Management Class 3, 4, 5, or 7 lakes or in other high value natural resource areas designated for growth by the Commission or zoned D-RS before January 1, 2001. The D-RS3 subdistrict will not be located in relatively remote or lightly settled areas of the jurisdiction.

M-GN – General Management Subdistrict

The purpose of the M-GN subdistrict is to permit forestry and agricultural management activities to occur with minimal interferences from unrelated development in areas where the Commission finds that the resource protection afforded by protection subdistricts is not required.

These are areas which are appropriate for forest or agricultural management activities and that do not require the special protection afforded by the protection subdistricts or the M-NC or M-HP subdistricts. Also included within M-GN subdistricts shall be areas which do not qualify for inclusion in any other subdistrict.

P-AR – Aquifer Protection Subdistrict

The purpose of the P-AR subdistrict is to protect the quantity and quality of ground water supply used or potentially available for human or industrial consumption.

P-FW – Fish and Wildlife Protection Subdistrict

The purpose of the P-FW subdistrict is to conserve important fish and wildlife habitats essential to the citizens of Maine because of their economic, recreational, aesthetic, educational or scientific value.

P-GP – Great Ponds Protection Subdistrict

The purpose of the P-GP subdistrict is to regulate residential and recreational development on Great Ponds to protect water quality, recreation potential, fishery habitat, and scenic character.

* P-GP2 - Semi-Remote Lakes Protection Subdistrict

The purpose of the P-GP2 subdistrict is to accommodate seasonal, recreational uses on lakes valued for their semi-remote character and determined to be suitable for limited development through a prospective planning process. This subdistrict is designed to site appropriate uses at a density and in a pattern of development that conserves the essential character of these lakes, and to accommodate traditional uses such as commercial sporting camps and public access. This subdistrict also provides a greater degree of certainty to both the landowners and the public as to the amount of development and conservation that will occur along certain lake shorelines.

This subdistrict includes areas within 500 feet of the normal high water mark, measured as a horizontal distance, of those lakes listed below:

- Azischohos Lake within Lincoln Plantation, Oxford County;
- Lower Richardson Lake, Township C, Oxford County.

The depth of this subdistrict may be deeper than 500 feet to allow development design in the project area that better meets the purpose of this subdistrict. Adjustments will only be made that do not increase the acreage of the project area by more than 10 percent or deviate from the uses allowed in this subdistrict.

Lakes classified as Management Class 3 or 7 may be included on this list only after analysis and review by the Commission through a prospective planning process.

P-MA – Mountain Area Protection Subdistrict

The purpose of the P-MA subdistrict is to regulate certain land use activities in mountain areas in order to preserve the natural equilibrium of vegetation, geology, slope, soil and climate in order to reduce danger to public health and safety posed by unstable mountain areas, to protect water quality, and to preserve mountain areas for their scenic values and recreational opportunities.

P-RR – Recreation Protection Subdistrict

The purpose of the P-RR subdistrict is to provide protection from development and intensive recreational uses to those areas that currently support, or have opportunities for, unusually significant primitive recreation activities. By so doing, the natural environment that is essential to the primitive recreational experience will be conserved.

P-WL – Wetland Protection Subdistrict

The purpose of the P-WL subdistrict is to conserve coastal and freshwater wetlands in essentially their natural state because of the indispensable biologic, hydrologic and environmental functions which they perform.

Preserving wetlands will promote the public health and safety of persons and protect property against the hazards of flooding and drought by holding back water during floods and retaining water during dry periods. Wetlands also maintain water quality for drinking, store nutrients from upland run-off in plant tissue, serve as settling basins for silt and sediment from upland erosion, stabilize water supply by maintaining the groundwater table and groundwater recharge and discharge areas, and provide plant, fish and wildlife habitat. Wetlands function as integral and irreplaceable parts of a larger natural system, influencing our climate, economy, environment, and natural heritage.

Insofar as this protection subdistrict also includes the area enclosed by the normal high water mark of surface water bodies within the Commission's jurisdiction, the purpose of this subdistrict shall also be to help insure compatible surface water uses on those water bodies where there is the potential for conflict with other uses and values of such water bodies.

Appendix B: Residential Development Permit Approvals in the General Management (M-GN) Subdistrict, by Type, Minor Civil Division, and Period

New Dwellings

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	1	0	0	0	0	0	1	0
Dallas Plt.	9	4	9	7	2	0	22	9
Lincoln Plt.	5	6	6	4	1	0	17	5
Magalloway Plt.	2	1	1	2	1	0	4	3
Rangeley Plt.	13	9	9	9	5	0	31	14
Richardsontown Twp.	0	0	0	0	0	0	0	0
Sandy River Plt.	19	10	4	9	7	1	33	17
Township C	0	0	0	0	0	0	0	0
Township D	0	0	0	0	0	0	0	0
Township E	1	0	0	0	0	0	1	0
Total	50	30	29	31	16	1	109	48
<i>% of Category Total</i>	72%	43%	38%	43%	76%	25%	51%	49%

Other Residential Permits for Expansions etc.

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	1	0	0	0	0	0	1	0
Dallas Plt.	4	7	11	5	0	0	22	5
Lincoln Plt.	5	9	6	4	2	1	20	7
Magalloway Plt.	0	1	0	1	2	0	1	3
Rangeley Plt.	2	9	15	20	1	2	26	23
Richardsontown Twp.	0	0	0	0	0	0	0	0
Sandy River Plt.	7	14	14	11	0	0	35	11
Township C	0	0	0	0	0	0	0	0
Township D	0	0	0	0	0	0	0	0
Township E	0	0	1	0	0	0	1	0
Total	19	40	47	41	5	3	106	49
<i>% of Category Total</i>	28%	57%	62%	57%	24%	75%	49%	51%

Percentage of New Dwellings in the M-GN Subdistrict

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	20%	0%	0%	0%	0%	0%	6%	0%
Dallas Plt.	7%	13%	23%	12%	2%	0%	11%	5%
Lincoln Plt.	63%	100%	67%	44%	20%	0%	74%	36%
Magalloway Plt.	29%	33%	20%	50%	33%	0%	27%	43%
Rangeley Plt.	13%	20%	19%	17%	16%	0%	16%	16%
Richardsontown Twp.	0%	0%	0%	0%	0%	0%	0%	0%
Sandy River Plt.	51%	59%	27%	8%	7%	9%	48%	8%
Township C	0%	0%	0%	0%	0%	0%	0%	0%
Township D	0%	0%	0%	0%	0%	0%	0%	0%
Township E	50%	0%	0%	0%	0%	0%	50%	0%
Total	16%	28%	23%	13%	6%	5%	20%	10%
<i>% of Category Total</i>	20%	0%	0%	0%	0%	0%	6%	0%

Appendix C: Permit Approvals by Type and MCD, 1986 – 2000 and 2001 – 2013

Residential Development Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	15	22	25	15	6	0	62	21
Dallas Plt.	198	88	128	143	112	8	414	263
Lincoln Plt.	15	18	21	32	8	1	54	41
Magalloway Plt.	11	11	17	12	9	1	39	22
Rangeley Plt.	217	143	188	206	76	13	548	295
Richardsontown Twp.	4	5	3	3	1	0	12	4
Sandy River Plt.	59	54	72	177	102	11	185	290
Township C	4	3	5	6	1	0	12	7
Township D	0	0	0	0	0	0	0	0
Township E	2	0	2	2	0	0	4	2
Total	525	344	461	596	315	34	1,330	945

Non-Residential Development Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	1	1	3	2	0	8	5	10
Dallas Plt.	4	7	7	9	11	2	18	22
Lincoln Plt.	1	8	5	4	2	0	14	6
Magalloway Plt.	2	6	1	1	1	1	9	3
Rangeley Plt.	0	2	4	7	1	4	6	12
Richardsontown Twp.	5	3	3	2	0	0	11	2
Sandy River Plt.	2	8	1	10	5	2	11	17
Township C	0	1	2	1	0	2	3	3
Township D	1	0	0	0	0	0	1	0
Township E	0	1	0	0	0	0	1	0
Total	16	37	26	36	20	19	79	75

Subdivision Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	5	3	0	3	1	0	8	4
Dallas Plt.	19	10	6	7	5	2	35	14
Lincoln Plt.	0	0	0	0	0	1	0	1
Magalloway Plt.	0	0	1	0	1	1	1	2
Rangeley Plt.	7	7	4	3	9	0	18	12
Richardsontown Twp.	0	0	0	0	0	0	0	0
Sandy River Plt.	10	3	2	7	3	1	15	11
Township C	0	0	0	1	0	0	0	1
Township D	0	0	0	0	0	0	0	0
Township E	0	0	0	0	0	0	0	0
Total	41	23	13	21	19	5	77	45

Zoning Approvals

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	0	0	0	0	0	1	0	1
Dallas Plt.	1	3	1	0	1	0	5	1
Lincoln Plt.	0	0	0	0	0	0	0	0
Magalloway Plt.	7	1	2	0	0	0	10	0
Rangeley Plt.	0	0	0	0	0	0	0	0
Richardsontown Twp.	0	0	0	0	0	0	0	0
Sandy River Plt.	0	0	0	0	1	0	0	1
Township C	0	0	0	1	0	0	0	1
Township D	0	0	0	0	0	0	0	0
Township E	0	0	0	0	0	0	0	0
Total	8	4	3	1	2	1	15	4

Other Permits¹

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	6	7	7	7	4	2	20	13
Dallas Plt.	80	79	48	14	13	8	207	35
Lincoln Plt.	4	5	6	10	1	3	15	14
Magalloway Plt.	21	24	17	2	2	3	62	7
Rangeley Plt.	4	6	6	33	14	16	16	63
Richardsontown Twp.	3	0	1	2	4	5	4	11
Sandy River Plt.	5	6	0	10	11	3	11	24
Township C	0	0	0	1	0	1	0	2
Township D	0	0	0	0	2	0	0	2
Township E	0	0	0	1	1	0	0	2
Total	123	127	85	80	52	41	335	173

Total Permits

Minor Civil Division	Pre-Plan			Post-Plan			Pre-Plan Total	Post-Plan Total
	1986-1990	1991-1995	1996-2000	2001-2005	2006-2010	2011-2013		
Adamstown Twp.	27	33	35	27	11	11	95	49
Dallas Plt.	302	187	190	173	142	20	679	335
Lincoln Plt.	20	31	32	46	11	5	83	62
Magalloway Plt.	41	42	38	15	13	6	121	34
Rangeley Plt.	228	158	202	249	100	33	588	382
Richardsontown Twp.	12	8	7	7	5	5	27	17
Sandy River Plt.	76	71	75	204	122	17	222	343
Township C	4	4	7	10	1	3	15	14
Township D	1	0	0	0	2	0	1	2
Township E	2	1	2	3	1	0	5	4
Total	713	535	588	734	408	100	1,836	1,242

Appendix D: Open Space (Chapter 10, Section 10.25,S)

*(note: the following is provided from Chapter 10, Section 10.25,S for consideration of an **Implementation Item** discussed herein.*

The standards set forth below must be met for all cluster subdivisions and other land area designated as open space.

1. **Preservation and Maintenance of Open Space.** Open space may be owned, preserved and maintained as required by this section, by any of the following mechanisms or combinations thereof, listed in order of preference, upon approval by the Commission:
 - a. Conveyance of open space to a qualified holder, as defined under Section 10.25,S,2.
 - b. Dedication of development rights of open space to a qualified holder, as defined under Section 10.25,S,2 with ownership and maintenance remaining with the property owner or a lot owners association.
 - c. Common ownership of open space by a lot owners association which prevents future structural development and subsequent subdivision of open space and assumes full responsibility for its maintenance.
 - d. Any other mechanism that fully provides for the permanent protection or conservation of open space and that is acceptable to the Commission.
2. **Qualified Holders.** The following entities are qualified to own, preserve and maintain open space:
 - a. "A governmental body empowered to hold an interest in real property under the laws of this State or the United States; or
 - b. A nonprofit corporation or charitable trust, the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property; assuring the availability of real property for agricultural, forest, recreational or open space use; protecting natural resources; or maintaining or enhancing air or water quality or preserving the historical, architectural, archaeological or cultural aspects of real property." 33 M.R.S.A. §476, sub-§2
3. Open space may be usable for low-intensity non-commercial recreation or for purposes intended to conserve land and preserve important natural features of the site. Uses within the open space may be limited or controlled by the Commission at the time of approval, as necessary, to protect natural resources and adjacent land uses. Specifically, open space lots are subject to subdivision and other permit conditions prohibiting residential, commercial, industrial or other structures and uses.
4. If any or all of the open space is to be reserved for common ownership by the residents of the subdivision, the bylaws of the proposed lot owners association shall specify responsibilities and methods for maintaining the open space and shall prohibit all residential, commercial, industrial or other structures and uses.
5. Open space shall be dedicated as a separate lot of record with no further subdivision or conversion of use of that lot allowed. Such lot shall be shown on the subdivision plat with a notation thereof to indicate that no further subdivision or conversion of use is allowed.